

REMARKS

Claims 7 to 16 are pending in this application. In the Final Office Action of May 5, 2006, claims 1-6 were rejected under 35 U.S.C. §102 as anticipated by the prior art. The rejection was maintained in the Advisory Action of August 3, 2006. Applicants have cancelled claims 1 to 6 without prejudice in favor of new claims 7 to 16.

Claim 7 is supported throughout the specification, for example, at paragraphs 0005, 0007, 0009-0011 and Figure 1. Claim 8 is supported throughout the specification, for example, at paragraphs 0025-0026 and Figure 1. Claim 9 is supported throughout the specification, for example, at paragraph 0009. Claim 10 is supported throughout the specification, for example, at paragraphs 0006 and 0012. Claim 11 is supported throughout the specification, for example, at paragraphs 0011, 0014-0016, and 0026-0027. Claims 12-16 depend from claims 7-11 and find similar support throughout the specification.

In the final Office Action dated May 5, 2006, the Examiner rejected pending claims 1-6 under 35 U.S.C. §102(b). No other rejections were made. More specifically, claims 1 and 4 were rejected as being anticipated by Hodges et al. (U.S. Patent No. 4,120,584); claims 2 and 5 were rejected under 102(b) as being anticipated by Mack (U.S. Patent No. 3,148,275); and claims 3 and 6 were rejected under Schipper (U.S. Patent No. 6,111,930).

Claims 1 to 6 have been cancelled without prejudice in favor of claims 7-16. Claims 7 to 16 are novel and non-obvious over the prior art cited in the final Office Action and the Advisory Action.

There are three pending independent claims, namely claims 7, 10 and 11. Claim 7 relates to an x-ray diffraction sample holder comprising multiple diffraction analysis surfaces wherein the surfaces are oriented at nonzero angles relative to one another. Claim 10 relates to an x-ray diffraction sample holder comprising a curved diffraction analysis surface capable of holding two or more samples simultaneously. Claim 11 relates to an x-ray diffraction sample holder comprising a frame having multiple diffraction analysis surfaces with removable individual sample holders on each surface.

In the Final Office Action, the Examiner asserted that Hodges teaches "a sample holder with a plurality of surfaces oriented at nonzero angles relative to one another." (Final Office

Action, page 2). Applicants submit that Hodges does not disclose an x-ray diffraction apparatus having multiple diffraction analysis surfaces oriented at nonzero angles.

The Examiner focused on figure 3 of Hodges in the Final Office Action. Figure 3 shows only one location where samples are held for analysis. "S" generally points to that location in figure 3, and the specification refers to S as "analytical surfaces." (Hodges, col. 3, line 58). The analytical surface S in figure 3 is the only place where samples are placed for analysis. S is a single surface and does not have a plurality of surfaces oriented at nonzero angles. Hodges does not disclose a sample holder with multiple diffraction analysis surfaces oriented at nonzero angles relative to one another.

Applicants submit that Mack does not disclose an x-ray diffraction sample holder comprising a curved diffraction analysis surface capable of holding two or more samples simultaneously. The Examiner asserted in the Final Office Action that Mack teaches "a curved surface suitable for holding samples." (Final Office Action at 2). The Examiner further stated that Mack can hold multiple samples because the sample holder of Mack is reusable and is used to hold multiple samples during its service life. (Final Office Action at 4). However, Mack does not disclose a sample holder that holds multiple samples simultaneously. Indeed, a disadvantage of instruments based on the Mack design and other single-sample holder instruments is that after each analysis, the sample has to be changed.

Applicants submit that Schipper does not disclose an x-ray diffraction sample holder comprising a frame having multiple diffraction analysis surfaces with removable individual sample holders on each surface. The Examiner also asserted that Schipper "in addition to the 'zero degree' plane noted by the Applicant, items (10) represent additional plane surfaces within the frame." (Final Office Action at 4). However, item (10) cannot be used to hold samples. Item (10) is a mounting (Schipper, col. 4, line 2). It appears to be a flat surface and is held perpendicular to the sample holders which are called "ring-shaped containers" and are further described as "sample rings" and are identified as item (4). (col. 4, lines 1-2, 24). Schipper does not disclose a sample holder comprising a frame having multiple diffraction analysis surfaces with removable individual sample holders on each surface.

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Examiner John M. Corbett

In view of the foregoing remarks, Applicants submit that claims 7 to 16 are allowable. The Commissioner is authorized to charge any required fees for this submission to Deposit Account No. 13-0017 in the name of McAndrews, Held & Malloy, Ltd. The Examiner is invited to telephone the applicants' undersigned attorney at (312) 775-8202 if any unresolved matters remain.

Respectfully submitted,

A handwritten signature in cursive script, reading "Michael B. Harlin", written in black ink. The signature is positioned above a horizontal line.

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